

## **REMARKS**

Claims 30-35, 37, 40-43, 46, and 47 are allowed, and claims 27-29, 36, 38, 39, 44, and 45 are rejected in an Office Action dated November 25, 2009. Entry of the amendment to claim 27 is requested. Support for the amendments may be found in the "Detailed Description of the Invention." Applicants respectfully request reconsideration of the present application in view of the following remarks.

### **Drawings Objection**

The drawings are objected to because of the following reasons: Figure 4 ("Average Temperatures in Ski Boots") does not label the X-axis. Appropriate amendment has been made. Replacement drawing is attached herewith.

### **Allowable Subject Matter**

Applicant wishes to thank the Examiner for the indication of allowable subject matter to claims 30-35, 37, 40-43, 46, and 47.

The claims were deemed allowable where Garbuio discloses only one elastomeric core portion and where Smith does not teach or suggest "placing more than one section of the structure material in a gas impermeable envelope" and "sealing the envelope between sections of the structure material within the envelope to provide flexibility to the flat insulating structure for shaping."

### **Rejections under 35 USC 103(a) – over Garbuio in view of Smith**

Claims 27-29, 36, 38-39, and 44-45 are rejected under 35 USC 103(a) as being unpatentable over Garbuio US 3,925,916 in view of Smith et al. US 5,877,100.

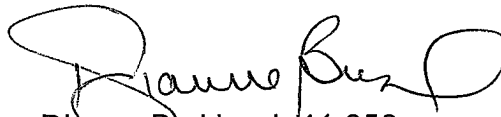
Applicant has amended claim 27 to include the limitations of placing more than one section of the structure material in a gas impermeable envelope, and sealing the envelope between sections of the structure marked within the envelope to provide flexibility of the flat insulation structure for shaping.

Where, as noted by the Examiner, none of the prior art references alone or in combination disclose these method steps, Applicant believes claim 27, and claims 28, 29, 36, 38, 39, 44, and 45 which are dependent thereon, are allowable as amended. Prompt and favorable action is respectfully requested.

**Conclusion**

For the foregoing reasons, the present invention as defined by the claims is neither taught nor suggested by any of the references of record. Accordingly, Applicant respectfully submits that these claims are now in form for allowance. If further questions remain, Applicant requests that the Examiner telephone Applicant's undersigned representative before issuing a further Office Action.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dianne Burkhard", with a large, stylized loop at the end.

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